

09/917,539

P-3611-2-D1-3-C1

REMARKS

Reconsideration of the application and consideration of the following remarks is respectfully requested. Claims 1 to 30 are currently pending, and no claims have been amended.

The Office Action mailed May 24, 2002 addressed Claims 1 to 30. Claims 1 to 30 were rejected, and claims 1, 11, 21 and 29 appear to be allowed.

Claims 1 to 9, 19, 22 and 28 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 6 of U. S. Patent No. 6,142,887 in view of Sullivan et al. (U.S. Patent No. 5,368,304). The Examiner stated that claims 1, 19 and 28 of the '887 patent claim substantially the same subject matter as claim 1 of the instant application, except for a core having a Riehle compression of at least about 75 and a cover having a Shore D hardness of at least about 65, but the composition disclosed in the '887 patent is similar to the composition as claimed by Applicant so the '887 inherently has the same properties as claimed by Applicant. The Examiner further stated that Sullivan '304 discloses a golf ball similar to the instant application with a compression of at least about 0.075 and a cover having a Shore D hardness of at least 65 in order to provide a golf ball with a lower than anticipated spin rate while maintaining high resilience and good durability, therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a golf ball of the '887 patent with the properties as taught by Sullivan '304 to gain the advantage of lower spin rate and good durability.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

Claims 13 to 18 and 30 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2 to 7 of U. S. Patent No. 6,142,887 in view of Sullivan et al. (U.S. Patent No. 5,368,304) and Examiner Official Notice. The Examiner stated that claims 13 to 18 and 38 disclose a golf ball and

09/917,539

P-3611-2-D1-3-C1

cover composition with similar structure to the '887 and '304 patents, but the '887 patent does not disclose the cover thickness and golf ball diameter. The Examiner stated that he takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the golf ball of the '887 patent to have cover thickness and diameter as taught by Sullivan '304 since both patents have the same composition and structure.

Applicants note that claims 13 to 18 and 30 appear to be rejected, but the Examiner, in the explanation, then discusses claims 13 to 18 and 28, therefore, Applicants are unclear as to which claims are actually rejected in this paragraph. Regardless, although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

Claims 24 to 27 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 9 to 12 of U. S. Patent No. 6,142,887 in view of Sullivan et al. (U.S. Patent No. 5,368,304) and Examiner Official Notice. The Examiner stated that claims 24 to 27 disclose a golf ball with similar composition and structure to the '887 and '304 patents, but the '887 patent does not disclose the core Riehle compression and diameter. The Examiner stated that he takes Official Notice that it would have been obvious to one having ordinary skill in the art at the time the invention was made to duplicate the golf ball of the '887 patent to have Riehle compression and diameter as taught by Sullivan '304 since both patents have the same composition and structure.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

Claims 10, 12 and 23 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over the references applied to claim 1 (claims 1 to 6 of U. S. Patent No. 6,142,887 in view of Sullivan et al. (U.S. Patent

09/917,539

P-3611-2-D1-3-C1

No. 5,368,304)), in further view of Sullivan et al. (U.S. Patent No. 5,820,489). The Examiner stated that claims 10, 12 and 23 claim substantially the same subject matter or same composition as claim 1 of the '489 patent. The Examiner further stated the composition provides a hard cover that improves durability, therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have "a cover composition of Sullivan described in claim 1 similar to a cover composition as taught by Sullivan '489 to obtain a cover with improved durability."

Applicants are unclear about the rejection as there are more than one Sullivan patents in the rejection. Regardless, although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 30. Applicants respectfully request allowance of claims 1 to 30, the claims currently pending.

Respectfully submitted,

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